

PUBLIC SANCTIONS

FY 2011

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BEFORE THE STATE COMMISSION ON JUDICIAL CONDUCT

CJC No. 09-0948-RT

PUBLIC WARNING

**HONORABLE WOODROW "WOODY" DENSEN
SENIOR JUDGE
HOUSTON, HARRIS COUNTY, TEXAS**

During its meeting on June 16-17, 2010, the State Commission on Judicial Conduct concluded a review of allegations against the Honorable Woodrow "Woody" Densen of Houston, Harris County, Texas, a Senior Judge eligible to sit as a visiting judge by assignment. Judge Densen was advised of the Commission's concerns and provided a written response. After considering the evidence before it, the Commission entered the following Findings and Conclusion:

FINDINGS OF FACT

1. At all times relevant hereto, the Honorable Woodrow "Woody" Densen was a Senior Judge eligible to sit as a visiting judge by assignment.
2. On or about June 18, 2009, Judge Densen was indicted by a Harris County Grand Jury for the felony offense of Criminal Mischief.
3. The offense arose out of an incident allegedly occurring on or about May 23, 2009, in which the judge was accused of having "keyed" his neighbor's car causing significant property damage to the vehicle.

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4. The incident in question was allegedly captured on a surveillance tape, which was provided to the Grand Jury as evidence.
5. The tape, along with the judge's indictment, received widespread media attention.
6. On June 23, 2009, the Commission issued an Order of Suspension, suspending the judge from judicial service until the underlying criminal case was resolved.
7. On or about April 8, 2010, Judge Densen entered a guilty plea in the case after the charge was reduced to a Class A misdemeanor.
8. In connection with the plea agreement, Judge Densen will also pay a \$1,500.00 fine and more than \$6,000.00 in restitution.
9. In his written responses to the Commission's inquiry, Judge Densen denied that he committed the offense for which he was convicted and did not accept responsibility for any conduct that resulted in his conviction.
10. The judge's plea agreement also received local media attention.

RELEVANT STANDARDS

1. Canon 2A of the Texas Code of Judicial Conduct states: "A judge shall comply with the law and should act at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary."
2. Article V, §1-a(6)A of the Texas Constitution states that a judge may be disciplined or removed from office for willful or persistent conduct that casts public discredit upon the judiciary or administration of justice.
3. Section 33.001(b)(2) of the Texas Government Code states that for purposes of Article V, §1-a(6)A of the Texas Constitution, "willful or persistent conduct that is clearly inconsistent with the proper performance of a judge's duties" includes: "willful violation of a provision of the Texas penal statutes or the Code of Judicial Conduct."

CONCLUSION

The Commission concludes from the facts and evidence presented that while serving as a Senior Judge eligible to sit as a visiting judge by assignment in the State of Texas, Judge Densen failed to comply with the law and failed to act at all times in a manner that promotes public confidence in the integrity of the judiciary by engaging in conduct that constituted a violation of the Section 12.44(b) of the Texas Penal Code. As a public official charged with upholding the honor and decorum of the judiciary, Judge Densen knew or should have known that his actions would cast public discredit upon the integrity of the judiciary. Based on the foregoing, the Commission concludes that the judge's actions constituted a willful violation of Canon 2A of the Texas Code of Judicial Conduct and Article V, §1-a(6)A of the Texas Constitution.

In condemnation of the conduct described above that violated Canon 2A of the Texas Code of Judicial Conduct and Article V, §1-a(6)A of the Texas Constitution, it is the Commission's decision to issue a **PUBLIC WARNING** to the Honorable Woodrow "Woody" Densen, Senior Judge, Houston, Harris County, Texas.

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Pursuant to the authority contained in Article V, Section 1-a(8) of the Texas Constitution, it is ordered that the conduct described above is made the subject of a **PUBLIC WARNING** by the State Commission on Judicial Conduct. The Commission has taken this action in a continuing effort to protect public confidence in the judicial system and to assist the state's judiciary in its efforts to embody the principles and values set forth in the Texas Constitution and the Texas Code of Judicial Conduct.

Issued this **14th** day of **October**, 2010.

ORIGINAL SIGNED BY

Honorable Jorge C. Rangel, Chair
State Commission on Judicial Conduct



**BEFORE THE STATE COMMISSION
ON JUDICIAL CONDUCT**

CJC Nos. 09-0806-CO & 09-0849-CO

PUBLIC ADMONITION

**HONORABLE JOHN PHILLIP FITZGERALD
COUNTY JUDGE
LIBERTY, LIBERTY COUNTY, TEXAS**

During its meeting on December 8-10 2010, the State Commission on Judicial Conduct concluded a review of the allegations against the Honorable John Phillip Fitzgerald, County Judge in Liberty, Liberty County, Texas. Judge Fitzgerald was advised by letter of the Commission's concerns and provided a written response. Judge Fitzgerald appeared with counsel before the Commission on June 16, 2010, and gave testimony. After considering the evidence before it, the Commission entered the following Findings and Conclusion:

BACKGROUND INFORMATION

In 2008, the Commission received and investigated several complaints filed by confidential sources that alleged numerous incidents of misconduct against Judge Fitzgerald. Many of the matters alleged in the complaints had received extensive local media attention. After a full and thorough investigation, the Commission was unable to substantiate certain claims and, therefore, voted to dismiss those complaints. However, included in the above-referenced complaints were allegations that Judge Fitzgerald had (a) improperly dismissed criminal cases pending in the County Court-at-Law court, including a DWI charge against the judge's close personal friend; and (b) improperly acted as a Trustee of a Trust and as the fiduciary/personal representative of that same close personal friend after becoming the Liberty County Judge. Both of these issues are addressed more fully below:

FINDINGS OF FACT

1. At all times relevant hereto, the Honorable John Phillip Fitzgerald was County Judge in Liberty, Liberty County, Texas.¹

The Vickery Trust

2. Judge Fitzgerald and Glenn W. Vickery ("Vickery") have been close friends for many years. Vickery has a daughter, Jessica, for whose benefit he created a trust in 1987.
3. On or about August 28, 2001, while a Justice of the Peace, Judge Fitzgerald was appointed Trustee of the Jessica Vickery Irrevocable Trust (the "Vickery Trust").
4. Under an exception to the Texas Code of Judicial Conduct², a justice of the peace may ethically serve in the capacity of a trustee.
5. Although prohibited by Canon 4E(1) of the Texas Code of Judicial Conduct, Judge Fitzgerald continued serving as Trustee after being elected Liberty County Judge.
6. On or about April 28, 2009, Jessica and her mother, Helen Green, filed a lawsuit in the 75th District Court seeking to remove Judge Fitzgerald as Trustee of the Vickery Trust, claiming that his service violated the Texas Code of Judicial Conduct and that he had "materially violat[ed] and attempt[ed] to violate the terms of the Trust."
7. On or about November 24, 2009, after a non-jury trial, Judge Rusty Hight of the 75th District Court signed a final judgment removing Judge Fitzgerald as Trustee of the Vickery Trust.³
8. In addition to serving as Trustee of the Vickery Trust, Judge Fitzgerald was also appointed to act as a fiduciary under a Medical Power of Attorney executed by, and on behalf of, Vickery, in 2005.
9. Judge Fitzgerald justified his continued service as a fiduciary on behalf of Glenn Vickery and Jessica Vickery by claiming he enjoyed a "close familial relationship" with members of the Vickery Family.

¹ Judge Fitzgerald served as a Justice of the Peace in Hardin, Liberty County, Texas, for twenty years prior to becoming the Liberty County Judge in 2007.

² Canon 6C(1)(b) of the Texas Code of Judicial Conduct expressly exempts Justices of the Peace from compliance with Canon 4E of the Texas Code of Judicial Conduct.

³ The judgment was subsequently set aside as a result of a settlement agreement between the parties.

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10. In support of this claim, Judge Fitzgerald testified that he and Glenn Vickery became friends in the mid 70's, and that the two have lived in the same small community for more than 30 years.
11. Judge Fitzgerald went on to describe how they both supported their community, served together on the local school board, and that their children at one time attended school together. Judge Fitzgerald stated that he thought of Jessica Vickery as a "daughter."
12. Judge Fitzgerald's construction company was also hired to perform remediation work on Vickery's ranch following Hurricane Rita.

The DWI Dismissal

13. On or about December 31, 2008, Judge Fitzgerald signed an order dismissing a charge of Driving While Intoxicated against his close personal friend, Vickery.
14. At the time of the dismissal, Vickery's case had been pending before the County Court at Law. The judge of that court had not been advised of the dismissal, nor had he given permission for Judge Fitzgerald to handle any cases pending in the County Court at Law.
15. Judge Fitzgerald testified that on the morning of December 31, 2008, he was approached by the County Attorney's Office with a request by Jack Hartel ("Hartel"), the outgoing County Attorney, to dismiss five (5) cases that were pending in the County Court at Law.
16. Having determined that there was some basis for dismissal, a prosecutor prepared the dismissal paperwork for the five (5) cases and presented dismissal orders to Judge Fitzgerald for his signature. Among the five (5) cases presented was the DWI case involving Judge Fitzgerald's close personal friend, Vickery.
17. Judge Fitzgerald signed the orders.
18. Upon learning of the dismissed cases, the County Court at Law judge rescinded Judge Fitzgerald's orders, reinstated the cases, and asked the presiding administrative judge to appoint a visiting judge to hear those cases.
19. According to one witness, Judge Fitzgerald never obtained the consent of the County Court at Law judge to handle, or sign any orders relating to, these cases.
20. The December 31, 2008 dismissal of Vickery's DWI case received local media attention.

RELEVANT STANDARDS

4. Canon 4E(1) of the Texas Code of Judicial Conduct states, in pertinent part: "A judge shall not serve as executor, administrator, or other personal representative, trustee guardian, attorney in fact or other fiduciary, except for the estate, trust or person of a member of the judge's family, and then only if such service will not interfere with the proper performance of judicial duties."
5. Article V, §1-a(6)A of the Texas Constitution states that a judge may be disciplined or removed from office for willful or persistent conduct that casts public discredit upon the judiciary or administration of justice.

CONCLUSION

The Commission concludes from the facts and evidence before it that Judge Fitzgerald acted in violation of the Texas Code of Judicial Conduct when he continued to serve as Trustee of the Vickery Trust, and as a fiduciary or personal representative of Glenn Vickery, after becoming the Liberty County Judge. Judge Fitzgerald testified that he and members of the Vickery Family had a “close familial relationship.” Specifically, the judge described how he and Glenn Vickery had been long-time, close friends, and that the judge thought of Jessica Vickery as a “daughter.” However, the Commission finds that maintaining a close friendship and having paternal feelings toward someone else’s child, standing alone, do not satisfy the “close familial relationship” standard articulated by the Canons. The Commission concludes that Judge Fitzgerald’s failure to voluntarily remove himself as Trustee, even after legal action was taken against him, constituted a willful and/or persistent violation of Canon 4E(1) of the Texas Code of Judicial Conduct.

The Commission also concludes that Judge Fitzgerald cast public discredit upon the integrity and impartiality of the judiciary and the proper administration of justice when he dismissed the DWI case pending against Vickery, his close personal friend. Judge Fitzgerald’s actions in this regard constituted a willful violation of Article V, §1-a(6)A of the Texas Constitution.

In condemnation of the conduct described above that violated Canon 4E(1) of the Texas Code of Judicial Conduct and Article V, §1-a(6)A of the Texas Constitution, it is the Commission’s decision to issue a **PUBLIC ADMONITION** to the Honorable John Phillip Fitzgerald, County Judge in Liberty, Liberty County, Texas.

Pursuant to the authority contained in Article V, § 1-a(8) of the Texas Constitution, it is ordered that the conduct described above be made the subject of a **PUBLIC ADMONITION** by the State Commission on Judicial Conduct.

The Commission takes this action in a continuing effort to protect public confidence in the judicial system, and to assist the state judiciary in its efforts to embody the principles and values set forth in the Texas Constitution and the Code of Judicial Conduct.

Issued this **16th** day of **December**, 2010.

ORIGINAL SIGNED BY

Honorable Jorge C. Rangel, Chair
State Commission on Judicial Conduct



**BEFORE THE STATE COMMISSION
ON JUDICIAL CONDUCT**

CJC No. 11-0105-JP

PUBLIC REPRIMAND

**HONORABLE BENNIE OCHOA
JUSTICE OF THE PEACE, PRECINCT 1, PLACE 1
PORT ISABEL, CAMERON COUNTY, TEXAS**

During its meeting on February 16-17, 2011, the State Commission on Judicial Conduct concluded a review of allegations against the Honorable Bennie Ochoa, Justice of the Peace for Precinct 1, Place 1, Port Isabel, Cameron County, Texas. Judge Ochoa was advised by letter of the Commission's concerns and provided written responses. After considering the evidence before it, the Commission entered the following Findings and Conclusion:

FINDINGS OF FACT

1. At all times relevant hereto, the Honorable Bennie Ochoa was Justice of the Peace for Precinct 1, Place 1, in Port Isabel, Cameron County, Texas.
2. On or about September 3, 2010, Judge Ochoa wrote a letter of support on behalf of Adrian Zuniga-Hernandez ("Zuniga"), a defendant in a criminal case pending before the United States District Court for the Southern District of Texas.
3. The letter in question was written on official court letterhead, addressed to "To Whom it May Concern," and signed by the judge in his official capacity as Justice of the Peace.
4. In his sworn written response to the Commission's inquiry, Judge Ochoa stated that he has known Zuniga for "some years," as Zuniga has been a member of the Laguna Madre community where the judge has lived for the past 14 years.
5. The judge further explained that the intent of the letter was to assist Zuniga, who was facing immigration deportation proceedings.
6. Judge Ochoa testified that he assumed the letter, which had been requested by Zuniga's spouse, was being submitted to United States Immigration authorities. He claimed that he was unaware that the letter would be submitted to the United States District Court.

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RELEVANT STANDARD

Canon 2B of the Texas Code of Judicial Conduct states, in pertinent part: “A judge shall not allow any relationship to influence judicial conduct or judgment. A judge shall not lend the prestige of judicial office to advance the private interests of the judge or others.”

CONCLUSION

The Commission concludes based on the facts and evidence before it that by writing a letter of support on behalf of Zuniga, Judge Ochoa was improperly lending the prestige of his judicial office to advance the private interests of Zuniga and his family. The Commission concludes that Judge Ochoa’s conduct constituted willful violation of Canon 2B of the Texas Code of Judicial Conduct. In reaching this decision, the Commission took into account Judge Ochoa’s prior public disciplinary history as an aggravating factor.

In condemnation of the conduct described above that violated Canon 2B of the Texas Code of Judicial Conduct, it is the Commission’s decision to issue a **PUBLIC REPRIMAND** to the Honorable Bennie Ochoa, Justice of the Peace for Precinct 1, Place 1, Port Isabel, Cameron County, Texas.

Pursuant to the authority contained in Article V, §1-a(8) of the Texas Constitution, it is ordered that the actions described above be made the subject of a **PUBLIC REPRIMAND** by the Commission.

The Commission has taken this action in a continuing effort to protect public confidence in the judicial system and to assist the state’s judiciary in its efforts to embody the principles and values set forth in the Texas Constitution and the Texas Code of Judicial Conduct.

Issued this the **31st** day of **March**, 2011.

ORIGINAL SIGNED BY

Honorable Jorge C. Rangel, Chair
State Commission on Judicial Conduct



**BEFORE THE STATE COMMISSION
ON JUDICIAL CONDUCT**

CJC No. 10-0516-JP

PUBLIC WARNING

**HONORABLE CESAR PEREZ
JUSTICE OF THE PEACE, PRECINCT 2
EAGLE PASS, MAVERICK COUNTY, TEXAS**

During its meeting on February 16-17, 2011, the State Commission on Judicial Conduct concluded a review of allegations against the Honorable Cesar Perez, Justice of the Peace for Precinct 2 in Eagle Pass, Maverick County, Texas. Judge Perez was advised by letter of the Commission's concerns and provided written responses. After considering the evidence before it, the Commission entered the following Findings and Conclusion:

FINDINGS OF FACT

1. At all times relevant hereto, the Honorable Cesar Perez was Justice of the Peace for Precinct 2 in Eagle Pass, Maverick County, Texas.
2. On or before January 25, 2010, a local citizen (hereinafter "I.H.") came to Judge Perez's courthouse and spoke with his court staff, requesting that Judge Perez issue a "protective order" against her ex-husband (hereinafter "R.H.").
3. I.H. provided Judge Perez's court staff with copies of several "incident" and "offense" reports involving situations in which I.H. had contacted the local sheriff's office reporting that R.H. had been verbally harassing her and her current boyfriend.
4. The incident and offense reports were dated from March 16, 2007 to November 2, 2009.
5. On January 25, 2010, Judge Perez's court staff, acting at Judge Perez's direction, prepared a summons directing R.H. to appear in court to "answer THE STATE OF TEXAS for an offense against the laws of said state, to-wit: Civil Matter of which offense [R.H.] is accused by the written complaint, under oath of [I.H.] filed before me."
6. The summons warned that R.H.'s failure to appear in court "will cause the court to immediately issue a WARRANT for the ARREST of the said accused."

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7. The summons did not contain a cause number, and did not reference any pending case in which R.H. had been charged with a criminal offense.
8. The court's file, as supplied by Judge Perez, did not contain any written complaint filed by I.H.
9. Judge Perez did not review the summons before it was issued, and instead allowed his court staff to use his signature stamp on the document in his absence.
10. After R.H. was served with the summons on January 29, 2010, he retained the services of an attorney, who contacted Judge Perez on his behalf.
11. According to R.H.'s attorney, Judge Perez informed him that he had issued the summons because he "just wanted to speak to [R.H]."
12. After R.H.'s attorney challenged his authority to issue the summons, Judge Perez acknowledged his mistake and did not require R.H. to appear in court.
13. In his written responses to the Commission's inquiry, Judge Perez stated that he directed his staff to issue the summons in order to "determine if a protective order was appropriate."
14. Judge Perez, however, did not cite to any authority that would allow him to issue a summons and/or a protective order under these circumstances.

RELEVANT STANDARD

1. Canon 2A of the Texas Code of Judicial Conduct states, in pertinent part: "A judge shall comply with the law."
2. Canon 3B(2) of the Texas Code of Judicial Conduct states, in pertinent part: "A judge . . . shall maintain professional competence in [the law]."

CONCLUSION

The Commission concludes based on the facts and evidence before it that Judge Perez failed to follow the law and demonstrated a lack of professional competence in the law when he issued a summons for a citizen to appear in his court when no case was pending against the citizen and no criminal charges had been filed against him. The citizen was threatened with arrest if he did not appear in court, and was forced to retain the services of an attorney in order to resolve the matter. The Commission concludes that Judge Perez's conduct as described herein constituted willful violations of Canons 2A and 3B(2) of the Texas Code of Judicial Conduct. In reaching its decision, the Commission also took into account Judge Perez's prior public disciplinary history as an aggravating factor.

In condemnation of the conduct described above that violated Canons 2A and 3B(2) of the Texas Code of Judicial Conduct, it is the Commission's decision to issue a **PUBLIC WARNING** to the Honorable Cesar Perez, Justice of the Peace for Precinct 2, in Eagle Pass, County, Texas.

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Pursuant to the authority contained in Article V, §1-a(8) of the Texas Constitution, it is ordered that the actions described above be made the subject of a **PUBLIC WARNING** by the Commission.

The Commission has taken this action in a continuing effort to protect public confidence in the judicial system and to assist the state's judiciary in its efforts to embody the principles and values set forth in the Texas Constitution and the Texas Code of Judicial Conduct.

Issued this the **6th** day of **April**, 2011.

ORIGINAL SIGNED BY

Honorable Jorge C. Rangel, Chair
State Commission on Judicial Conduct



**BEFORE THE
STATE COMMISSION ON JUDICIAL CONDUCT**

CJC NO. 10-0292-JP

PUBLIC ADMONITION

**HONORABLE CHARLES THOMAS CORBIN
FORMER JUSTICE OF THE PEACE, PRECINCT 7
MANSFIELD, TARRANT COUNTY, TEXAS**

During its meeting on April 13, 2011, the State Commission on Judicial Conduct concluded its review of the allegations against the Honorable Charles Thomas Corbin, former Justice of the Peace for Precinct 7, in Mansfield, Tarrant County, Texas. Judge Corbin was advised by letter of the Commission's concerns and provided a written response. Judge Corbin appeared with counsel before the Commission on February 17, 2011, and gave testimony. After considering the evidence before it, the Commission entered the following Findings and Conclusions:

FINDINGS OF FACT

1. At all times relevant hereto, the Honorable Charles Thomas Corbin was Justice of the Peace for Precinct 7, Mansfield, Tarrant County, Texas.⁴

The Citizen's Arrest

2. In May of 2008, while driving to the courthouse, Judge Corbin observed a female driver (hereinafter "D.C.") drive past him at what he believed was an "accelerated rate of speed."
3. By coincidence, D.C. pulled into the courthouse parking lot at the same approximate time as Judge Corbin.
4. When Judge Corbin entered the building, he observed D.C. standing in line at the counter of the county clerk's office located on the first floor of the courthouse.
5. Judge Corbin approached D.C. and verified that she had been driving the vehicle that he had observed passing him en route to the courthouse.
6. Judge Corbin informed D.C. that he was a justice of the peace and that he believed she had been driving in excess of the speed limit.
7. Judge Corbin asked D.C. for her driver's license and directed her to "come upstairs to the Justice of the Peace office when she had completed her business at the County Clerk's office," advising her that he would return her license when she did so.
8. Judge Corbin acknowledged that D.C. had no choice but to come to his office to recover her license.
9. Judge Corbin thereafter made a copy of D.C.'s driver's license but did not open a case file in the matter.
10. Judge Corbin subsequently met with D.C. in his office in the presence of one of his court staff.
11. Judge Corbin recalled that D.C. was "tearing up" when she first entered his office and that she appeared to be "scared" and "confused."
12. Judge Corbin therefore attempted to put D.C. at ease by initially engaging in "small talk" with her.
13. During their meeting, Judge Corbin lectured D.C. about "speeding and the dangers that it presented," cautioned her about her "driving conduct," and "asked her to reduce her speed in town."
14. Judge Corbin explained that his intent in meeting with her was to "preserve peace in the community."
15. Judge Corbin did not issue any written orders to D.C. and did not order his bailiffs or any other law enforcement officials to issue a citation to her.

⁴ Judge Corbin lost his bid for re-election during a primary runoff election in April of 2010, and as of January 1, 2011, was no longer a sitting judge.

16. Judge Corbin testified during his appearance before the Commission that in retrospect, he should have turned the matter over to law enforcement officials to handle.

**Accepting Payments in Satisfaction of
Judgments and/or Settlement Agreements**

17. On or about December 11, 2007, Judge Corbin held a trial in a small claims case, and thereafter orally announced that he was “rendering” a judgment in favor of the plaintiff (hereinafter “H.M.”) and against the defendant (hereinafter “K.L.”).
18. Judge Corbin, however, did not issue a final written judgment in the case because the parties advised him that they had reached a “settlement agreement,” so that K.L. could avoid having a judgment “on her record.”
19. The settlement agreement required K.L. to make periodic payments or “installments” to H.M., and further specified that K.L. was to drop off her payments at the courthouse on specified dates until such time as the amount of the judgment was discharged.
20. The payments were to be in the form of a check from K.L. made out to H.M.
21. According to the agreement, if K.L. defaulted on her obligations under the terms of the payment plan, the parties agreed that Judge Corbin would be authorized to enter the judgment against her.
22. Judge Corbin acknowledged that he agreed to this arrangement, and that his court clerks, acting at his direction, thereafter accepted over twenty payments from K.L. between December of 2007 and November of 2008.
23. Initially, K.L. dropped the checks off at the courthouse for H.M. to pick up.
24. However, H.M. subsequently provided the court staff with self-addressed stamped envelopes for the staff to mail the checks to her.
25. In each instance when his court clerks accepted payments from K.L., they furnished her with a “receipt” before mailing the payments to H.M.
26. Judge Corbin’s court staff, acting at his direction, made several phone calls to K.L. when she was late in dropping off her payments at the courthouse in order to remind her of her obligations under the settlement agreement.
27. After concluding that this procedure was too “burdensome” on his court staff, Judge Corbin stopped allowing parties to use his court as a drop-off point for making installment payments to another party.
28. However, Judge Corbin continued to allow defendants in civil cases to drop off “one-time” payments at his court to satisfy judgments or pursuant to the terms of a settlement agreement entered into by the parties.
29. The payments were required to be in the form of a check issued by the defendant to the plaintiff.
30. When plaintiffs arrived at the courthouse to pick up their payments, they were given the opportunity by Judge Corbin’s clerks to “execute a release of judgment.”
31. If a plaintiff did not immediately pick up a payment after it was dropped off, the check was placed in the “clerk’s lock-drawer” for safe-keeping or stored in a safe in Judge Corbin’s office.

Accepting Rental Payments at the Courthouse from Tenants in Eviction Cases

32. Judge Corbin also allowed tenants to use the court as a neutral “drop-off point” for making rental payments to landlords.
33. Judge Corbin explained that he did so primarily in cases in which the parties to an eviction case had reached a Rule 11 agreement⁵, or some other settlement, allowing a tenant to make a rental payment and/or a series of payments to a landlord in order to resolve their dispute.
34. In addition, Judge Corbin also allowed tenants in eviction cases to drop off rental payments at the courthouse in cases in which he concluded that the tenants had a right to make a rental payment and/or a series of rental payments in order to bring their rental obligations current.
35. Judge Corbin explained that his two primary goals in allowing his court to be used as a “drop-off point” were to: (1) “provide a record of payment;” and (2) “avoid confrontation between the parties,” in cases in which he had concerns about the parties’ safety.
36. In several cases in which tenants were late in dropping off their rental payments, Judge Corbin directed his court staff to telephone the tenants to remind them to make their scheduled payments.
37. Judge Corbin’s staff also contacted the parties in such cases to ascertain whether the parties had fulfilled their obligations in order to determine whether a pending eviction case could be finalized and/or closed.
38. Judge Corbin’s staff maintained a record in the court’s file documenting when the tenant dropped off the rental payment and/or when the landlord picked up the payment.
39. In most instances, tenants would bring rental payments to the courthouse in the form of a check; however, on one occasion, Judge Corbin accepted a cash payment of \$540.00 from a tenant and placed the money in the court’s safe until the landlord arrived at the courthouse to pick up the payment.

RELEVANT STANDARDS

1. Canon 2A of the Texas Code of Judicial Conduct states, in pertinent part: “A judge shall comply with the law.”
2. Canon 2B of the Texas Code of Judicial Conduct states, in pertinent part: “A judge shall not lend the prestige of judicial office to advance the private interests of the judge or others.”
3. Canon 3B(2) of the Texas Code of Judicial Conduct states, in pertinent part: “A judge . . . shall maintain professional competence in [the law].”

⁵ Rule 11 of the Texas Rules of Civil Procedure provides that “Unless otherwise provided in these rules, no agreement between attorneys or parties touching any suit pending will be enforced unless it be in writing, signed and filed with the papers as part of the record, or unless it be made in open court and entered of record.”

CONCLUSIONS

The Commission concludes from the facts and evidence presented that Judge Corbin exceeded the scope of his judicial authority and misused his position as judge when he approached a driver who he believed had been speeding, identified himself as a judge, ordered her to produce her driver's license to him, and directed her to appear in his chambers in order to obtain the return of her license. With no case pending in his court, Judge Corbin used his judicial authority to force the driver to appear before him in order to lecture her about his own personal feelings about her driving. In this instance, Judge Corbin failed to comply with the law, failed to maintain professional competence in the law, and lent the prestige of judicial office to advance his own personal interest, in willful or persistent violation of Canons 2A, 2B, and 3B(2) of the Texas Code of Judicial Conduct.

The Commission also concludes that Judge Corbin exceeded the scope of his judicial authority when he (1) directed his court staff to accept payments from defendants on behalf of plaintiffs to discharge judgments and/or to comply with the terms of settlement agreements in cases that either were, or had been, pending in his court, and (2) directed his court staff to accept rental payments from tenants on behalf of landlords in eviction cases that either were, or had been, pending in his court. In these instances, Judge Corbin failed to comply with the law and failed to maintain professional competence in the law in willful or persistent violation of Canons 2A and 3B(2) of the Texas Code of Judicial Conduct.

In condemnation of the conduct described above that violated Canons 2A, 2B and 3B(2) of the Texas Code of Judicial Conduct, it is the Commission's decision to issue a **PUBLIC ADMONITION** to the Honorable Charles Thomas Corbin, former Justice of the Peace for Precinct 7, in Mansfield, Tarrant County, Texas.

Pursuant to the authority contained in Article V, § 1-a(8) of the Texas Constitution, it is ordered that the conduct described above be made the subject of a **PUBLIC ADMONITION** by the State Commission on Judicial Conduct.

The Commission takes this action in a continuing effort to protect public confidence in the judicial system, and to assist the state judiciary in its efforts to embody the principles and values set forth in the Texas Constitution and the Code of Judicial Conduct.

Issued this 9th day of May, 2011.

ORIGINAL SIGNED BY

Honorable Jorge C. Rangel, Chair
State Commission on Judicial Conduct



**BEFORE THE STATE COMMISSION
ON JUDICIAL CONDUCT**

CJC No. 11-0047-JP

**PUBLIC REPRIMAND
AND
ORDER OF ADDITIONAL EDUCATION**

**HONORABLE GEORGE HENRY BOYETT
JUSTICE OF THE PEACE, PRECINCT 3
COLLEGE STATION, BRAZOS COUNTY, TEXAS**

During its meeting on June 15-17, 2011, the State Commission on Judicial Conduct concluded a review of allegations against the Honorable George Henry Boyett, Justice of the Peace for Precinct 3, College Station, Brazos County, Texas. Judge Boyett was advised by letter of the Commission's concerns and provided written responses. After considering the evidence before it, the Commission entered the following Findings and Conclusion:

FINDINGS OF FACT

7. At all times relevant hereto, the Honorable George Henry Boyett was Justice of the Peace for Precinct 3, College Station, Brazos County, Texas.
8. On or about September 11, 2010, several fraternities gathered on the Texas A&M University campus, located in College Station, Texas, to participate in a recruitment event known as "Bid Day" or "Bid House."
9. At some point, individuals from two fraternities became involved in a minor altercation. During the altercation, someone took a class ring belonging to Brian Pownall, a student at Texas A&M University, and threw it into the grass.
10. Shortly thereafter, an officer with the Texas A&M University Police Department detained Thomas Andrew Slauter (hereinafter "Slauter") while the incident was being investigated by other officers.

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11. Despite repeated denials of any involvement in the incident, Slauter was arrested for Theft from a Person, a State Jail Felony offense, and transported to the Brazos County jail.
12. On or about September 12, 2010, Slauter was magistrates *via* teleconference by Judge Boyett.
13. After advising all of the defendants present for magistration of their constitutional rights, Judge Boyett called Slauter's name indicating that it was his turn to be magistrates.
14. Judge Boyett first asked Slauter where he was from, to which Slauter responded, "Sugarland, Texas."
15. Judge Boyett then asked Slauter if he was a student at Texas A&M University.
16. When Slauter responded that he was a student at nearby Blinn College, Judge Boyett made the following observation: "You might want to think about going somewhere else considering the nature of your criminal activity."
17. Judge Boyett then asked Slauter if he knew what an "Aggie" ring was, to which Slauter responded that he did not.
18. At this point in the proceedings, Judge Boyett held up his right hand and said, "See this on my hand?" indicating to Slauter that the judge was wearing an "Aggie" ring.
19. Judge Boyett made no other statements to Slauter about the case, other than to advise Slauter of the charge filed against him and set his bond at \$50,000.
20. According to the Brazos County bond schedule in effect at the time of Slauter's arrest, the "threshold" bond amount for a state jail felony is \$5,000.
21. In his written response to the Commission's inquiry, Judge Boyett explained that he advised Slauter that he might want to consider attending another school out of concern that Slauter "would be a target remaining in this area."
22. Judge Boyett further explained that he displayed his own "Aggie" ring because he felt that Slauter was entitled to know that he wore one.
23. Judge Boyett stated that he had considered recusing himself from the matter, but then concluded that he could go forward if he disclosed that he wore an "Aggie" ring.
24. Judge Boyett went on to explain that the Aggie ring "is a manifestation of one of the highest traditions in the community...[i]t is an outward, visible symbol of the wearer's commitment to the school."
25. Judge Boyett also stated that he was able to conclude a statement in the probable cause affidavit that "some sort of assault had occurred although not charged," which warranted enhancing the bond to \$50,000.
26. A copy of the audio/video recording of Judge Boyett's September 12, 2010 magistration of Slauter was provided to the Commission.
27. On or about September 15, 2010, the theft charge against Slauter was dropped after another individual confessed to throwing the ring into the field.
28. The incident became the subject of local media attention critical of the judge's actions in the case.

RELEVANT STANDARDS

1. Canon 3B(4) of the Texas Code of Judicial Conduct states, in relevant part: "A judge shall be patient, dignified and courteous to litigants, jurors, witnesses, lawyers and others with whom the judge deals in an official capacity. . ."
2. Canon 3B(5) of the Texas Code of Judicial Conduct states, in pertinent part: "A judge shall perform judicial duties without bias or prejudice."
3. Article V, §1-a(6)A of the Texas Constitution states that a judge may be disciplined for willful or persistent conduct that casts public discredit upon the judiciary or administration of justice.

CONCLUSION

1. The Commission concludes based on the facts and evidence before it that Judge Boyett willfully violated Canons 3B(4) and 3B(5) of the Texas Code of Judicial Conduct, as well as Article V, §1-a(6)A of the Texas Constitution, when, during the magistration of Slauter for the alleged theft of Pownell's Aggie ring, the judge (a) displayed his own Aggie ring, (b) advised Slauter that he should consider attending another school outside of College Station, and then (c) relied on information not contained or charged in the probable cause affidavit to enhance the standard bond for a state jail felony to \$50,000. By these actions and statements, Judge Boyett acted in an impatient, undignified, and discourteous manner toward a defendant and abandoned his role as a neutral, detached and impartial magistrate. Instead, the judge indicated a strong bias in favor of the victim while also suggesting that he believed the defendant had in fact engaged in criminal activity. In reaching this decision, the Commission took into account Judge Boyett's prior public disciplinary history as an aggravating factor.

In condemnation of the conduct described above that violated Canons 3B(4) and 3B(5) of the Texas Code of Judicial Conduct, and Article V, §1-a(6)A of the Texas Constitution, it is the Commission's decision to issue a **PUBLIC REPRIMAND AND ORDER OF ADDITIONAL EDUCATION** to the Honorable George Henry Boyett, Justice of the Peace for Precinct 3, College Station, Brazos County, Texas.

Pursuant to this Order, Judge Boyett must obtain **ten (10) hours** of instruction with a mentor, in addition to his required judicial education. In particular, the Commission desires that Judge Boyett receive this additional education in the area of proper judicial demeanor.

Judge Boyett shall complete the additional **ten (10) hours** of instruction recited above within **sixty (60) days** from the date of written notification of the assignment of a mentor. It is Judge Boyett's responsibility to contact the assigned mentor and schedule the additional education.

Upon the completion of the **ten (10) hours** of instruction described herein, Judge Boyett shall sign and return the Respondent Judge Survey indicating compliance with this Order.

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Failure to complete, or report the completion of, the required additional education in a timely manner may result in further Commission action.

Pursuant to the authority contained in Article V, §1-a(8) of the Texas Constitution, it is ordered that the actions described above be made the subject of a **PUBLIC REPRIMAND AND ORDER OF ADDITIONAL EDUCATION** by the Commission.

The Commission has taken this action in a continuing effort to protect public confidence in the judicial system and to assist the state's judiciary in its efforts to embody the principles and values set forth in the Texas Constitution and the Texas Code of Judicial Conduct.

Issued this the **11th** day of **July**, 2011.

ORIGINAL SIGNED BY

State Commission on Judicial Conduct